

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES PAUL AERY,

Case No. 24-CV-2346 (NEB/LIB)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

BRIAN BIRT,

Defendant.

The Court has received the October 10, 2024 Report and Recommendation of United States Magistrate Judge Leo I. Brisbois. (ECF No. 4.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 4) is ACCEPTED;
2. The action is DISMISSED WITHOUT PREJUDICE under Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 13, 2024

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge